

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

LISA MARIE CLAEYS,)
Plaintiff,)
v.) Case No. CIV-24-846-G
LELAND DUDEK,)
Acting Commissioner of the Social)
Security Administration,)
Defendant.¹)

ORDER

On January 27, 2025, the Court entered an Order and a Judgment reversing the decision of the Social Security Administration and remanding this case for further proceedings. *See* Doc. Nos. 16, 17. Now before the Court is Plaintiff's Motion for Attorney's Fees Under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 et seq. (Doc. No. 18). Defendant does not oppose this request. *See* Doc. No. 18-8.

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Accordingly, the Court GRANTS Plaintiff's request and awards fees in the amount of \$7447.20, with said amount to be paid directly to Plaintiff

¹ The current Acting Administrator is substituted as Defendant pursuant to Federal Rule of Civil Procedure 25(d).

and sent in care of Matthew R. McGarry, Olinksy Law Group, 250 South Clinton Street, Suite 210, Syracuse, New York, 13202. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff in accordance with *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 17th day of April, 2025.


CHARLES B. GOODWIN
United States District Judge